

## DETAILED ACTION

### *Election/Restrictions*

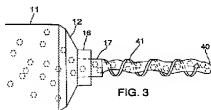
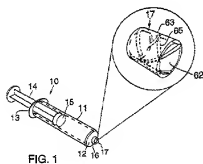
**Claims 18-26 and 40-41** withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claims. Election was made **without** traverse in the reply filed on May 27, 2008.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-17, 27-39, and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Singer** (US 6,830,563) in view of **Petersen et al.** (US 5,984,897), **Caillouette** (US 5,651,372), **Pirtle, Jr.** (US 3,628,523), **Ericson** (US 3,635,218), and **Benz et al.** (6,616,634).



The **Singer** patent shows in figures 1 and 3, a flushing device having a proximal end and a distal end utilized to flush a catheter, the flushing device comprising a receptacle for holding a flushing medium; a mechanism for expelling the flushing medium from the receptacle; and a flushing tip positioned at the distal end of the flushing device. Singer does not disclose one or more gripping portions positioned distally from a middle portion of the receptacle. However, such syringe design would have been considered conventional in the art as evidenced by the teachings of

**Petersen et al.**

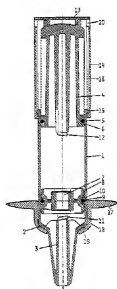


Fig. 1

The Petersen et al. patent shows in figure 1, a syringe having one or more gripping portions positioned distally from a middle portion of the receptacle. Based on the above observations, for a person of ordinary skill in the art, it would have been considered obvious to modify the syringe disclosed by Singer with distally positioned

gripping portions, as taught by Petersen et al., in view of the proven conventionality of this particular syringe design.

Concerning the various grip designs claimed by the applicant, **Caillouette** discloses grips that comprise of circular rings and **Pirtle, Jr.** discloses grips that have the shape of arched semicircles. In relation to the use of textured or non-skid material, **Benz et al.** demonstrates that such use would have been considered conventional in the art at the time this invention was made. Finally, in relation to the compressible bulb syringe design, **Ericson** discloses a syringe having a receptacle for holding a flushing medium comprising a bulb.

Based on the above evidence, for a person of ordinary skill in the art, modifying the syringe disclosed by Singer with any of the above well known enhancements would have been considered obvious design alternatives.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel A. Mendez whose telephone number is 571-272-4962. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Manuel A. Mendez/

Primary Examiner, Art Unit 3763

Manuel A. Mendez  
Primary Examiner  
Art Unit 3763

MM